

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHWESTERN DIVISION**

Clarence Kenneth Voigt,)	
)	
Plaintiff,)	ORDER ADOPTING
)	REPORT AND RECOMMENDATION
vs.)	
)	
State of North Dakota,)	Case No. 1:07-cv-009
)	
Defendant.)	

The plaintiff, Clarence Kenneth Voigt, filed a pro se complaint and application to proceed in forma pauperis on February 9, 2007. Magistrate Judge Charles S. Miller, Jr. conducted a review pursuant to 28 U.S.C. § 1915(e)(2), and submitted a Report and Recommendation on March 2, 2007. Judge Miller recommended that Voigt's application to proceed in forma pauperis be denied.

On March 9, 2007, Voigt filed an objection to the Report and Recommendation.¹ The Court has carefully reviewed the Report and Recommendation, relevant case law, and the record as a whole and finds the Report and Recommendation to be persuasive. In his complaint Voigt alleges his First Amendment rights have been violated. The complaint fails to state a claim as there is nothing in the complaint to suggest that Voigt was prohibited from attending or testifying at the Workers' Compensation Review Committee meeting. That he was not allowed to cross-examine the Workers' Compensation attorney is not a First Amendment violation.

¹On this same date Voigt also filed a "motion to change Magistrate judge" in which he makes the absurd accusation that Magistrate Judge Miller is suffering from an unspecified mental or physical disability. Voigt filed the identical motion in all five cases he has pending against the State of North Dakota in this Court.

Accordingly, the Court **ADOPTS** the Report and Recommendation in its entirety. The application to proceed in forma pauperis is **DENIED**.

IT IS SO ORDERED.

Dated this 13th day of March, 2007.

/s/ Patrick A. Conmy
Patrick A. Conmy, Senior District Judge
United States District Court